

1 The Honorable James L. Robart
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 INDEMNITY INSURANCE COMPANY OF
10 NORTH AMERICA,

11 Plaintiff,

12 v.

13 EXPEDITORS INTERNATIONAL OF
WASHINGTON, INC. and DOES 1-5,

14 Defendants.

15
16 No. 2:15-cv-00851

17 ANSWER OF DEFENDANT
18 EXPEDITORS INTERNATIONAL OF
WASHINGTON, INC.

19 COMES NOW defendant Expeditors International of Washington, Inc. ("Expeditors"), as
20 and for its answer to plaintiff's Complaint for Cargo Damage, ("plaintiff's Complaint") and
21 hereby responds, alleges and avers as follows:

22 1) Responding to paragraph 1 of plaintiff's Complaint, this paragraph contains
23 allegations of jurisdiction that do not require a response from Expeditors. To the extent this
24 paragraph's allegations do require a response from Expeditors, Expeditors denies the same.

25 2) Responding to paragraph 2 of plaintiff's Complaint, this paragraph contains
26 allegations of venue that do not require a response from Expeditors. To the extent this
paragraph's allegations do require a response from Expeditors, Expeditors denies the same.

ANSWER OF DEFENDANT EXPEDITORS
INTERNATIONAL OF WASHINGTON, INC. - 1
Case No. 2:15-cv-00851

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299
PHONE (206) 447-4400 FAX (206) 447-9700

1 3) Responding to paragraph 3 of plaintiff's Complaint, Expeditors does not have
2 sufficient information to admit or deny the allegations of this paragraph, and therefore denies the
3 same.

4 4) Responding to paragraph 4 of plaintiff's Complaint, Expeditors admits it is
5 corporation under the laws of Delaware with a principal office and place of business at the
6 alleged address. Expeditors further admits it was and is engaged in business as a freight
7 forwarder, broker, transportation intermediary and/or agent for other entities involved in the
8 shipment of the product that is the subject of plaintiff's Complaint. Expeditors denies the
9 remaining allegations of this paragraph.

10 5) Responding to paragraph 5 of plaintiff's Complaint, Expeditors does not have
11 sufficient information to admit or deny the allegations of this paragraph, and therefore denies the
12 same.

13 6) Responding to paragraph 6 of plaintiff's Complaint, Expeditors admits the
14 allegations thereof.

15 7) Responding to paragraph 7 of plaintiff's Complaint, Expeditors does not have
16 sufficient information to admit or deny the allegations of this paragraph, and therefore denies the
17 same.

18 8) Responding to paragraph 8 of plaintiff's Complaint, Expeditors does not have
19 sufficient information to admit or deny the allegations of this paragraph, and therefore denies the
20 same.

21 9) Responding to paragraph 9 of plaintiff's Complaint, Expeditors denies the
22 allegations thereof.

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1 10) Responding to paragraph 10 of plaintiff's Complaint, Expeditors admits it issued
2 to GE Medical Systems or its agent its house Air Waybill bearing number 4041519451 for
3 carriage of goods from Chicago to Charles De Gaulle Airport in Paris, France. Expeditors denies
4 the remaining allegations of this paragraph.

5 11) Responding to paragraph 11 of plaintiff's Complaint, Expeditors admits the
6 allegations thereof.

7 12) Responding to paragraph 12 of plaintiff's Complaint, Expeditors incorporates
8 herein its responses to the allegations of paragraphs 1 through 11 above as if fully stated herein.

9 13) Responding to paragraph 13 of plaintiff's Complaint, this paragraph consists of
10 allegations of legal conclusions that do not require a response from Expeditors. To the extent
11 such allegations do require a response from Expeditors, Expeditors denies the same. Expeditors
12 specifically denies that it breached any duties, or that it is liable for any of plaintiff's alleged
13 damages.

14 14) Responding to paragraph 14 of plaintiff's Complaint, Expeditors incorporates
15 herein its responses to the allegations of paragraphs 1 through 13 above as if fully stated herein.

16 15) Responding to paragraph 15 of plaintiff's Complaint, this paragraph consists of
17 allegations of legal conclusions that do not require a response from Expeditors. To the extent
18 such allegations do require a response from Expeditors, Expeditors denies the same. Expeditors
19 specifically denies that it breached any duties, or that it is liable for any of plaintiff's alleged
20 damages.

21 Expeditors denies that plaintiff is entitled to any relief requested in its prayer.

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ANSWER OF DEFENDANT EXPEDITORS
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AFFIRMATIVE DEFENSES

- 1) Plaintiff has failed to state a claim for which relief may be granted.
- 2) Plaintiff's claim against Expeditors is time barred by one or more statutes of limitations as provided by contract, statute and/or treaty.
- 3) Plaintiff's claims against Expeditors are barred for plaintiff's failure to provide Expeditors timely notice of claim as provided by contract, statute and/or treaty.
- 4) The extent of Expeditors' liability to plaintiff, if any, is limited to a sum below the amount demanded as provided by contract, statute and/or treaty.
- 5) Plaintiff's alleged damages were caused, wholly or partially, by its own negligence, breach of contract and/or other wrongdoing.
- 6) Plaintiff's alleged damages, if any, were caused by the negligence, breach of contract, and/or other wrongdoing of one or more entities for which Expeditors is not responsible or liable.
- 7) Plaintiff has failed to fully mitigate its alleged damages.

WHEREFORE, Expeditors prays for relief as follows:

WHEREFORE, Expeditors prays for relief as follows:

- 1) That plaintiff's Complaint be dismissed with prejudice and that plaintiff take nothing thereby;
- 2) For an award of Expeditors' costs and reasonable attorneys' fees incurred herein; and
- 3) For such other and further relief as the Court may deem just and proper.

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ANSWER OF DEFENDANT EXPEDITORS
INTERNATIONAL OF WASHINGTON, INC. - 4
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FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299
PHONE (206) 447-4400 FAX (206) 447-9700

1 DATED this 4th day of June, 2015.
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s/ Steven W. Block

Steven W. Block, WSBA No. 24299
FOSTER PEPPER PLLC
1111 Third Avenue, Suite 3400
Seattle, Washington 98101-3299
Telephone: (206) 447-4400
Facsimile: (206) 447-9700
Email: sblock@foster.com
Attorneys for Defendant Expeditors
International of Washington, Inc.

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ANSWER OF DEFENDANT EXPEDITORS
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CERTIFICATE OF SERVICE

I hereby certify service that on June 4, 2015, I electronically filed the preceding document with the Clerk of the Court using the CM/ECF system which will send notification to the counsel of record in this case:

James F Whitehead, III
2003 Western Avenue , Suite 330
Seattle, WA 98121
206-448-0100
206-448-2252 (fax)
jim@jfw-law.com
Attorneys for Plaintiff

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated June 4, 2015.

s/ Steven W. Block
Steven W. Block

ANSWER OF DEFENDANT EXPEDITORS
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